

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RJ DUBLIN LLC,

Plaintiff,

v.

GEORGE A. SAFFAS,

Defendant.

No. C 12-04205 RS

**ORDER REMANDING CASE TO
ALAMEDA SUPERIOR COURT**

This matter was initiated as an unlawful detainer action in Alameda Superior Court. Appearing in *pro se*, defendant George A. Saffas removed the case to this Court, asserting that “removal is proper based on federal question.” Despite the manifest lack of a tenable basis for removal, plaintiff has not filed a motion for remand. Nevertheless, “federal courts are under an independent obligation to examine their own jurisdiction.” *Rains v. Criterion Systems, Inc.*, 80 F.3d 339, 342 (9th Cir. 1996) (quoting *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 229 (1990)). Accordingly, defendant was directed to show cause why this action should not be remanded to Alameda Superior Court for lack of jurisdiction. Dkt. No. 23. Defendant has failed to respond to that Order.

1 Plaintiff's unlawful detainer complaint is premised solely on state law and no basis for
2 federal jurisdiction appears. The existence of federal question jurisdiction is governed by the
3 "well-pleaded complaint rule." *Holmes Group, Inc. v. Vornado Air Circulation Systems, Inc.*,
4 535 U.S. 826, 830 (2002). Under that rule, a federal question must be presented by what is or
5 should have been alleged in the complaint. *Id.* As no such question is alleged, this matter must
6 be remanded to Alameda Superior Court.

7
8 IT IS SO ORDERED.

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10 Dated: 6/21/13



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE